

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Civil Action No. 5:09-CV-23-BR

MORRIS & ASSOCIATES, INC., )  
a North Carolina Corporation, )  
                                )  
Plaintiff,                   )  
                                )  
                                )  
v.                            )                                   **ORDER**  
                                )  
                                )  
COOLING & APPLIED TECHNOLOGY, INC., )  
an Arkansas Corporation,       )  
                                )  
Defendant.                 )

This matter comes before the Court on Defendant's Motion to Seal which asks this Court to seal (1) Exhibits B-1 through B-3 (Doc. Nos. 74-3 through 74-5; 77-3 through 77-5) to Plaintiff's Memorandum in Support of Plaintiff's Motion for Summary Judgment that U.S. Patent No. 7,470,173 is Valid ("Plaintiff's Memorandum") (Doc. Nos. 74, 77); and (2) Plaintiff's Memorandum (Doc. Nos. 74, 77). Plaintiff consents to this Motion.

The Court finds that (1) Exhibits B-1 through B-3 (Doc. Nos. 74-3 through 74-5; 77-3 through 77-5) to Plaintiff's Memorandum; and (2) Plaintiff's Memorandum (Doc. Nos. 74, 77) contain business confidential information which may be harmful to third party, Perdue Farm, Inc., and to Defendant if revealed to the marketplace. This potential harm outweighs any public right to access and the alternatives to sealing are inadequate. For the reasons set forth in Defendant's Motion and Memorandum in Support and pursuant to the Court's Joint Protective Order (Doc. No. 24), the Court finds good cause to grant Defendant's Motion to Seal with regard to (1)

Exhibits B-1 through B-3 (Doc. Nos. 74-3through 74-5; 77-3 through 77-5); and (2) Plaintiff's Memorandum (Doc. Nos. 74, 77).

SO ORDERED, this 11<sup>th</sup> day of February, 2011.

A handwritten signature in black ink, appearing to read "David W. Daniel". The signature is fluid and includes a small circle with a diagonal line through it.

David W. Daniel  
United States Magistrate Judge